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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record (partial)* of the 185th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 7 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 11.10 a.m.

Cooperation with other United Nations bodies, specialized agencies, organizations of persons with disabilities and other competent bodies (*continued*)

Briefing on Mongolia from organizations of persons with disabilities, civil society organizations and national human rights institutions

1. **The Chairperson** welcomed the civil society delegation from the State party of Mongolia.

2. **Mr. Ajirshavgaan** (Civil society delegation, Mongolia) said that, although the Mongolian Government had taken some action, it had made no comprehensive effort to ensure the implementation of the Convention. Since 2009, when Mongolia had ratified the Convention, amendments had been made to the laws on construction and transportation, for example, but the amended laws were not enforced. Change had taken place only on paper. In addition, the Mongolian authorities' approach to disability issues was informed by their reliance on the medical model of disability, legislation prohibiting discrimination was lacking and the right to participation in political and public life was barely observed.

3. **Ms. Lumben** (Civil society delegation, Mongolia) said that, because persons with disabilities were not invited to take part in policymaking, issues of interest to them were not generally reflected in legislation. When they were, which was all too rare, the lack of enforcement meant that on the ground nothing changed. A bill on the rights of persons with disabilities had been in preparation since 2013, but, because the final draft had not taken their comments into consideration, civil society organizations had asked that consideration of the bill should be postponed until late May 2015. A department for disability affairs had been established in the Ministry of Population Development and Social Protection, but it did not have the power to ensure intersectoral coordination or take high-level decisions.

4. **Mr. Togoogurjav** (Civil society delegation, Mongolia) said that current policy and practice in Mongolia highlighted the lack of awareness of disability issues at all levels of Mongolian society. It was even commonly believed that disabilities were punishment for misdeeds in a previous life. The Government, however, had made no efforts to combat misunderstandings and change the public's perception of persons with disabilities.

5. **Ms. Bat** (Civil society delegation, Mongolia) said that under the Motor Transport Act 10 per cent of the vehicles of public transport companies with a fleet of more than 20 vehicles must be equipped for persons with disabilities. However, none of the more than 2,000 buses operating in Ulaanbaatar were equipped for wheelchair users or passengers with visual or hearing impairments. Other laws, including those regulating building and urban planning, also contained provisions on accessibility, but most Mongolian roads and buildings were not accessible to persons with disabilities, mostly because those laws did not contain a requirement to make existing infrastructure accessible. A company that violated the accessibility provisions of the building code would be liable to a maximum fine of less than US$ 4,000. Data on how many such fines had been paid were unavailable.

6. An accessible environment for people with hearing and visual impairments had not been created. Television and newspapers were largely inaccessible to persons with disabilities. In all, the country's 61 television channels offered a single 40-minute programme with sign-language interpretation. Deaf and deaf-mute persons were unable to call the emergency services. The Government had taken no action to use information technology to ensure that persons with disabilities could exercise their right to receive and impart information.

7. **Ms. Dondovdorj** (Civil society delegation, Mongolia) said that, despite the protection afforded by the Constitution, women and children with disabilities in Mongolia

were highly vulnerable to exploitation and abuse, much of which was hidden from view. More than one third of the women with disabilities who had responded to a survey reported that they had suffered extensive sexual abuse. More than 12 per cent had said that it was common, while some 40 per cent had said that they had not understood the question. That had been the first such survey to be undertaken in Mongolia.

8. There were several reasons for the widespread sexual abuse of women and children with disabilities. The laws on domestic violence, to take one example, made no provision for the unique needs of persons with disabilities and the few shelters operating in the country were unable to accommodate them. In addition, no sign-language interpretation was provided for persons with disabilities who were victims of abuse. Lastly, although the police, health workers and social workers were given training in how to help victims of abuse, none of that training focused on working with persons with disabilities.

9. **Mr. Chuluundavaa** (Civil society delegation, Mongolia) said that the right of persons with disabilities to live in the community was poorly understood by Mongolian decision makers and society as a whole. The care of persons with disabilities was the responsibility of a working-age family member and the result was that families with a member who had a disability had considerably lower incomes than the average household. In addition, the family member responsible for the care of the person with a disability often had to forgo paid employment, an obligation that commonly led to poverty and feelings of isolation. Persons with disabilities themselves, aware of the burden they imposed, often kept quiet and tried to attract as little attention as possible.

10. **Ms. Sambuu** (Civil society delegation, Mongolia) said that an inclusive education programme had come into force five years earlier but little to nothing had been done since, not even an evaluation of the programme's results. Statistical information on the numbers of children with disabilities in Mongolia was conflicting. According to the National Statistics Office, for example, there were just under 11,000, whereas data from a survey conducted by civil society organizations suggested that there were three times as many. Those conflicting findings were evidence that Mongolia still struggled to identify persons with disabilities and their particular needs, thereby making it hard for them to exercise their right to an education. In Ulaanbaatar, according to survey data, some 60 per cent of school-age children with disabilities simply stayed at home. In rural areas, that percentage was higher still.

11. The shortcomings of teacher training were another obstacle to promoting inclusive education. The Government was even considering removing classes on special needs education from the curriculum at teacher training colleges. Other problems included the school system's failure to make greater use of the special technologies that would enable more children with disabilities to get an education and curricula that, with their excessive standardization, left no room for individual differences in ability.

12. **Mr. Langvad** asked the civil society delegation to identify two to four of the most pressing issues for the Committee to focus on in its dialogue with the Mongolian Government.

13. **Mr. Buntan** asked whether the international development assistance received by Mongolia had had a positive impact on the capacity of the country's representative organizations of and for persons with disabilities to influence laws and policies affecting persons with disabilities. He asked the civil society delegation for ideas on how to overcome the considerable obstacles to providing services in a country as large and as sparsely populated as Mongolia.

14. **Ms. Peláez Narváez** asked whether the State party's laws regarding incest contained provisions referring specifically to women and children with disabilities. She also wished to know whether incest led to forced abortions or sterilization and what the State could do to

allow victims of sexual abuse to live in an environment free from violence. Information on whether girls with disabilities were treated differently from boys would likewise be welcome.

15. **Mr. Kim** Hyung Shik requested information on the employment of persons with disabilities and further details on the ways that persons with disabilities were treated in general.

16. **Ms. Kingston** said that she would appreciate information about the situation of persons with psychosocial disabilities.

17. **Mr. Trömel** (Committee of Experts on the Application of Conventions and Recommendations, International Labour Organization (ILO)) said that Mongolia had received technical assistance from ILO, with a focus on vocational training for persons with disabilities. ILO had also made contributions, many of them relating to persons with disabilities, to the amendments currently being made to Mongolian labour law. The Committee of Experts on the Application of Conventions had recently invited Mongolia, which had ratified all the fundamental international labour conventions, to provide further information on the measures it had taken to promote vocational rehabilitation and employment opportunities for persons with disabilities, as well as any relevant statistics.

18. Persons with disabilities were undercounted in Mongolia and their fitness for work determined whether they were considered to have a disability in the first place, an approach that was likely to prevent them from exercising their right to employment. Consultations on the method of determining disabilities should therefore be held with workers, employers and organizations of and for persons with disabilities. Few of the vocational training schools in the country were able to accommodate persons with disabilities and they were given training, often apart from the other students, in only a small number of trades. Only one such school provided training specifically for persons with disabilities, although others had begun to meet their needs. As a result of physical and educational barriers, higher education in Mongolia was all but inaccessible to them. The State's express commitment to reform in that area was welcome.

19. Survey data from 2010 showed that the large majority of persons with disabilities in Mongolia were unemployed. Employers often failed to meet the legally established quotas for their employment, opting instead to make a payment to a fund that provided them with vocational training. A well-intentioned law stating that persons with disabilities could work no more than 36 hours a week was also likely to keep their wages low, create disincentives and reinforce the belief that workers with disabilities did not have the stamina of their non-disabled peers. Regarding workplace conditions, he said that Mongolia should consider the denial of reasonable accommodation a form of discrimination. The wording of the draft labour legislation would have to be changed to bring it into line with the Convention, as would laws that made no provision for the situation of workers who acquired a disability in the course of their employment. Those issues should be addressed in close consultation with the relevant stakeholders.

20. **Ms. Dondovdorj** (Civil society delegation, Mongolia) said that the pressing issues were the participation of persons with disabilities in decisions affecting them, the provision of reasonable accommodation, the establishment of a body to monitor the implementation of the Convention throughout the country and inclusive education. Raising awareness of the potential of persons with disabilities was also a priority. Persons with psychosocial disabilities did not have strong representative organizations and as a result their rights were often violated. The degree to which organizations of persons with disabilities benefited from international assistance depended on the capacity of the various international organizations in Mongolia.

21. **Ms. Bat** (Civil society delegation, Mongolia) said that Mongolia had no statistics on the number of women and girls with disabilities who were victims of sexual abuse. Women's issues were often overlooked. Forced abortion was possible in some circumstances.

22. Employment prospects for persons with disabilities were poor, not least because the Government had no real policy on promoting their employment. Vocational training was limited and the penalties paid by employers for failing to meet employment quotas were too low to dissuade them from ignoring the law.

23. **Ms. Sambuu** (Civil society delegation, Mongolia) said that services for children with disabilities were few, and nearly all were centred in Ulaanbaatar. Such children were often subjected to degrading treatment in school and as a result they tended not to leave home. Special education schools did not adequately prepare their students for secondary education.

24. **Mr. Togoogurjav** (Civil society delegation, Mongolia) said that in remote areas of the country persons with disabilities lacked access to any welfare services. As a rule, they did not even know what social services they were entitled to. Regarding criminal proceedings, he said that, when persons with disabilities were accused of a crime, the conditions were such that, even if they were innocent, they preferred to plead guilty.

The discussion covered in the summary record ended at 12.05 p.m.